

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:	:	
	:	
TRIBUNE MEDIA COMPANY, et al.	:	Bankruptcy Case No. 08-13141-BLS
	:	
Reorganized Debtors.	:	
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WILMINGTON TRUST COMPANY,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 15-1116-GMS
	:	
TRIBUNE MEDIA COMPANY, et al.,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **5th** day of **January, 2016**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

In June 2013 after negotiations over the Fee Claim reached an impasse, the Bankruptcy Court orders the parties to mediation. After multiple rounds of mediation, a

no resolution of the Fee Claim occurred. The Mediator issued its Report and Recommendation in October 2014, recommending that WTC's Fee Claim be disallowed. The Bankruptcy Court adopted the Mediator's recommendation on November 19, 2015, from which WTC appealed on December 2, 2015.

Because the Bankruptcy Court entered the Order only after multiple rounds of negotiation, mediation and motion practice, the parties believe further mediation would not be beneficial and would not obviate the need for further proceedings in this Court, and jointly request that this appeal be removed from mandatory mediation.

The parties additionally request the Court reserve on issuing a scheduling order because WTC has filed Request for Direct Appeal to the Third Circuit in the Bankruptcy Court. The Debtors have until December 18, 2015 to object or otherwise respond to WTC's Certification Request and the Bankruptcy Court retains jurisdiction to rule on this request until January 4, 2016. If the Certification Request is granted, then the Third Circuit still must determine whether it will authorize the appeal. If the Bankruptcy Court denies the Certification Request, the appeal will then proceed in this Court. Because of the uncertainty, the parties jointly request that the Court delay issuing a scheduling order until final disposition of the Certification Request. If the appeal is to proceed, the parties will notify the Court and propose a briefing schedule.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Through this Recommendation, the parties are advised of their right to file objections to this

Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. In light of parties joint request to remove the matter from mandatory mediation, no objections are expected.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE